

- order the European Commission to pay its own costs as well as the applicant's costs in connection with these proceedings.

### **Pleas in law and main arguments**

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging a violation of the Audiovisual Media Services Directive

- First, the European Commission violated Articles 2(1), 2(2) and 3 of the Audiovisual Media Services Directive by finding that the country of origin principle does not apply to the film levy. Second, the European Commission violated Article 13(1) of the Audiovisual Media Services Directive by considering that this article allows Member States to impose financial contributions for the promotion of European works on video-on-demand providers who are established in other Member States.

2. Second plea in law, alleging a violation of Article 110 TFEU

- The European Commission violated Article 110 TFEU by finding that the application of the film levy to video-on-demand providers who are established in other Member States is not discriminatory.

3. Third plea in law, alleging a violation of Article 56 TFEU

- The European Commission failed to examine whether the application of the film levy to video-on-demand providers who are established in other Member States violates Article 56 TFEU

4. Fourth plea in law, alleging a violation of Directive 98/34/EC

- The European Commission failed to examine whether the application of the film levy to video-on-demand providers who are established in other Member States required notification under Directive 98/34/EC.

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**Action brought on 17 February 2017 — Cantina e oleificio sociale di San Marzano v EUIPO — Miguel Torres (SANTORO)**

**(Case T-102/17)**

(2017/C 121/59)

*Language in which the application was lodged: English*

### **Parties**

*Applicant:* Cantina e oleificio sociale di San Marzano (San Marzano di San Giuseppe, Italy) (represented by: F. Jacobacci and E. Truffo, lawyers)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Miguel Torres, SA (Vilafranca del Penedés, Spain)

### **Details of the proceedings before EUIPO**

*Applicant of the trade mark at issue:* Applicant

*Trade mark at issue:* EU figurative mark containing the word element 'SANTORO' — Application for registration No 12 282 141

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 1 December 2016 in Case R 2018/2015-2

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;

— order EUIPO to pay the costs.

#### **Pleas in law**

- Infringement of Art. 8(1)(b) of Regulation No 207/2009 misconstruction of the case-law related to the issues in question;
- Infringement of Art. 8(5) of Regulation No. 207/2009 and distortion of evidence.

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### **Action brought on 17 February 2017 — Recordati Orphan Drugs v EUIPO — Laboratorios Normon (NORMOSANG)**

**(Case T-103/17)**

(2017/C 121/60)

*Language in which the application was lodged: English*

#### **Parties**

*Applicant:* Recordati Orphan Drugs (Puteaux, France) (represented by: J. Quirin, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Laboratorios Normon SA (Tres Cantos, Spain)

#### **Details of the proceedings before EUIPO**

*Applicant of the trade mark at issue:* Applicant

*Trade mark at issue:* EU word mark 'NORMOSANG' — Application for registration No 12 174 926

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 22 November 2016 in Case R 831/2016-5

#### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

#### **Pleas in law**

- Infringement of Article 8(1)(b) of Regulation No 207/2009;
- Infringement of Rules 19(2)(a)(ii) and 20(1) of Regulation No 2868/95.

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### **Action brought on 17 February 2017 — ClientEarth v Commission**

**(Case T-108/17)**

(2017/C 121/61)

*Language of the case: English*

#### **Parties**

*Applicant:* ClientEarth (London, United Kingdom) (represented by: A. Jones, Barrister)